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APR 22 2025



**Town of Dighton
Conservation Commission Minutes**

Regular Meeting

Thursday, February 20, 2025

Old Town Hall

Upper-Level Meeting Room

Dighton, MA 02715

Time: 1:37 PM
By: SC

Public Meeting Opens at 6:00 PM at the Old Town Hall, 1111 Somerset Ave. This meeting is video, and audio recorded for Cable Broadcast and Internet posting on "www.dighton-ma.gov", and YouTube.

Present - Chairman James Digits, Abel Mariano, Jack Crawford, Paul Reynolds III, Agent Lisa Caledonia – David Phillips via Phone

Meeting with the Pledge of Allegiance

HEARINGS & POSSIBLE DELIBERATIONS

Review/Discuss/Act New Hearing: Request for Determination of Applicability (RDA) application from Donna Marceau to construct a new deck, porch, and carport at 2532 Pleasant Street (Map 24, Lot 5). A portion of the work falls within the 200' Riparian zone and the flood zone of the Taunton River. Tom Morris with Zenith Consulting Engineers represents the applicant. He states applicant started building the deck and porch within the buffer zone, not realizing they had to come in front of the conservation commission. They received a Stop Work Order and are now present for the filing. Applicant wants to propose a carport off the side of the driveway. Tom relays there will be little ground disturbance and that one tree would need to be taken down. The resource area is across the street, Tom believes there would be little impact. Lisa asks if there are any catch basins along the street. There are not any catch basins in front of the property. Post and placards will need to be put up across the street. Motion for a negative determination for 2532 Pleasant Street put forth by Jack Crawford, seconded by Abel Mariano – all present members in favor. This will be issued within 21 days.

Review/Discuss/Act New Hearing: Notice of Intent (NOI) application from Tim Cussen of Parallel Products Solar Energy for construction at 2200 Lewis Street (Map 14, Lot 41) of two solar canopies and associated utilities. A portion of the work project falls within jurisdictional wetland resource areas. Peer review proposal received from Weston & Sampson. (MADEP File # SE017-0513). Scott Daggett – Senior Project Manager for Farland Corp representing Tim Cussen of Parallel Products Solar Energy. The client is proposing his current auto salvage yard that is 8.5 acres with a 6,400 square foot building which is used as multi-office and auto parts service center with paved parking lot in the front. The property contains many salvaged automobiles and is surrounded by forests to the south, west and northwesterly corner of the lot and resident's street on both north and south and across the street. Property has some wetlands on the northwest corner and

along the southernly property lines. The applicant is looking for permission to construct two solar canopies. Associated utilities will be located at the salvage automobile area and behind existing building. Scott presents images of canopies in New Bedford Auto Salvage to give the commission a visual of what said solar canopies will look like. He presents this example to show that underneath there is enough room to go on with daily activities within the salvage yard. The solar canopies are constructed with concrete piles that are bored into the ground, poured with reinforced concrete with steel high beams that connect to the concrete piles. Steel structures would hold this in place along with a series of solar panels attached to the structural members. This solar canopy would be above ground, it is not ground-mounted solar unit. Lisa states Weston and Samson provided a peer review proposal. Abel Mariano asked if they are planning on using a driven pile or coil pile. Scott is unaware if they plan to use helical or if it will be poured in place. The concrete bases will be about 3' in diameter. Weston and Samson will review the notice of intent, stormwater management report, review of wetland flagging, preparation of a memo and attendance at one meeting. W&S will begin within three weeks of written notice to proceed. Once the commission votes next week, they will send it over on Monday, the fee is \$1,942 with accordance to peer review contract with the town dated October 12, 2023. Commission will set up 53G account for the sum of money and they will come to review the property and continue after commission receives S&W's evaluation. Motion to set up 53G account for \$1,942 put forth by Jack Crawford, seconded by Abel Mariano – all present members in favor. Abutter of the property Barbara Fontaine of 2099 Lewis Street takes the stand with her concerns. She lives across the street from the proposed project, she is concerned about leaching and the wetlands. She states there is water less than a quarter of a mile behind her property, the Somerset water supply and water up by the opposite side. She would like to know what the impact of leaching of toxic chemicals of any kind. Jim Digits indicts this is why a peer review will be done with professional engineers and a wetland scientist who will go out on site to examine the property and to file a report to the conservation committee. The 53G account is setup for the commission to be able to afford to get their reports on the property. She asks if all the abutters will receive a copy of the peer review prior to the next meeting in March. Lisa tells Barbara if she has the review before the next meeting, she can email her and will make sure she also receives the report. Lisa informs her it may only be one of two reports because they may have to go out to the property several times depending on concerns or the engineers might need to adjust their plans. The property is a commercial site, it requires stormwater management, which is why they submitted these reports to be reviewed. Another concern on the street Barbara relies is that there is a high cancer incident rate. Two neighbors to the left, two women deceased from cancer and to the right husband and wife, one deceased from cancer and Barbara's husband had a recent issue with cancer. Barbara would love to support Borges but she is advocating in making sure everything done is with safety in mind. Jim Digits speaks and says they will relay the information to W&S and they can look into any leaching's that go into the soil and that can be a part of their report. Lastly, she is concerned about when solar panels get disposed of, they are toxic, so if there was an accident that occurred and cracked a panel, what would be the impact for toxicity in a similar situation. Motion to continue the hearing to March 20, 2025 put forth by Jack Crawford, seconded by Abel Mariano – all present members in favor.

Paul Reynolds joins the meeting at 6:22pm.

Review/Discuss/Act New Hearing: Notice of Intent (NOI) application from David Butler at 833

Williams Street (Map 8, Lot 20) for a septic system repair. A portion of the work falls within jurisdictional wetland resource areas. (MADEP File # SE017-0514) Engineer David Butler takes the podium stating the existing 4-bedroom home that has been there for decades their septic tank failed and they would like to fix it. Lisa would like the access through the erosion control shown on the plans. To prevent land from being compromised by the trucks coming in and out. The 100' buffer to the potential vernal pool needs to be added and another 100' out. The jurisdiction goes out 200' from the high water of the pool. Lisa would like C and D to be labeled as IVW. Abel Mariano asks David if they will export existing material. He answers the existing material will be exported off the site and they will bring in septic sand. Motion to accept Notice of Intent subject to labeling IVW and access point put forth by Paul Reynolds, seconded by Abel Mariano – all members in favor.

Review/Discuss/Act New Hearing: Notice of Intent (NOI) application from Angela Lawrence at 418 Old Somerset Ave (Map 4, Lot 5) to raze an existing dwelling within the 100' buffer zone and construct a new single-family home and associated access and utilities. A portion of the work falls within jurisdictional wetland resource areas. (MADEP File # SE017-XXXX) Evan Watson with W. Engineering representing the applicant. Old Somerset Ave has a house, new house and existing field being used as a farm; Riverside Ave is a private drive that they will not be accessing.

Engineer has delineated the riverfront the BVW and shows Natural Heritage line. We have FEMA 100 flood elevation 13 and we able to design the project is everything is outside of all regulated areas. The only work that is required within the regulated area is the demolition of this existing structure, 97' away from the wetland. As they were going for building permits it was revealed that across the street is a potential vernal pool. The heavy blue line on the plans is the 100' PVP, the dashed yellow line is 100' from that. Everything south of the line will flow into the vernal pool and anything north of the line will flow into the river. Clearing vegetation is not needed in this project, no required grading needed and nothing will be done in regulated areas besides the local 100' PVP detection zone that will be in. MADEP file number has not been received. Engineer asks to release of building permit for the portion that's outside of all the buffer zones and wait on the demolition permit for the existing house. Lisa questions where the pool water would go, she would make it a condition to not dump the pool water through the fields if they were to empty the pool. Lisa also questions where the ACEC is, Evan states it's for the three-mile river in which they are outside of as well. Part of the lot is within the ACEC, Evan informs the committee that being apart of it you have to check off that you are an in the ACEC in the form. Lisa asks what their plans for greenhouses are, the owner says he hasn't gotten that far yet but they plan to asses them and if the foundations are worthy of a green house possibly turn it back into a greenhouse, if not add in trees to give privacy to the pool area. Once the application is filed and snow is melted Lisa will be able to walk the site. Motion to continue for March 20, 2025 put forth by Paul Reynolds, seconded by Abel Mariano – all members in favor.

Review/Discuss/Act New Hearing: Notice of Intent (NOI) application from Long Built Homes to construct a new single-family home at 0 Clubhouse Drive (Map 21, Lot R61) with utilities and associated access. A portion of the work falls within jurisdictional wetland resource areas. (MADEP File # SE017-XXXX) Evan Watson with W. Engineering represents the applicant. Abel Mariano recuses himself for the next two items in the agenda. On the north side everything slopes off to the wetland then flows up to the north. Evan has indicated where the 100' buffer zone and 50' no building zone is. Majority if the work is done outside the 50' and small amount would be used

to square off the yard. They are still under the order of conditions for the entire project, this was designed to comply with that and the roof infiltrators. They have municipal water and a private sewer system with the treatment plant. Plan shows the erosion control at the edge of the work site. Jim Digits asks if the treatment plant they have is to be constructed for a certain number of houses? Evan states yes, and the septic was designed to hold 23,000 gallons per day. The septic tank is accommodating all the proposed homes and the community center; it is a state level ground water discharge permit with a full-time operator that maintains system routinely. Lee Castignetti takes the podium to say they are scheduling a clean water test for the first week of March for the sewer treatment facility. They are required to first run the system with clean water to make sure all motors and pumps are circulating properly and all working in proper order. Once they receive the approval from DEP that they are satisfied with the clean water test the system will become operational. The shared septic tank had a maximum number of 34 homes and they are capped out at that number. This should become fully operational first week in April with the first closing of a new home. There is no file number. Motion to continue lot R61 until March 20, 2025 put forth by Paul Reynolds, seconded by Jack Crawford – all participating members in favor.

Review/Discuss/Act New Hearing: Notice of Intent (NOI) application from Long Built Homes to construct a new single-family home at 0 Clubhouse Drive (Map 21, Lot R32) with utilities and associated access. A portion of the work falls within jurisdictional wetland resource areas. (MADEP File # SE017-XXXX) Evan Watson of W. Engineering represents the applicant. There is an isolated wetland area by the road and there are some culverts under the road to avoid any flooding. If flooding occurs it will go across where there is a buffer zone. The majority of the work is outside the zone but they may need to go into the 50' about four or five feet. Erosion control at the lot of the site of proposed house. Roof infiltrators and the same water and sewer system as Lot 61. Placards are on the plans. Motion to continue lot R32 until March 20, 2025 put forth by Paul Reynolds, seconded by Jack Crawford – all participating members in favor.

CERTIFICATE OF COMPLIANCE

Review/Discuss/Act Request for Certificate of Compliance from Philip Renzi for a new single-family house at 2147 Horton Street (Map 10, Lot 15A) Mass DEP File # SE 017-0456 with associated driveway, septic, and grading. Ongoing conditions will apply. Applicant wasn't able to attend meeting but Evan Watson of W. Engineering offered to pass along any important information. Lisa recommends complete certification. The ongoing conditions are no herbicide or pesticides will be used on site within 25' of wetland resources. Fertilizers utilized for landscaping and lawncare in the buffer zone should be slow released low nitrogen types and should not be used within 25' of the wetland resources. Motion to issue Certificate of Compliance put forth by Paul Reynolds, seconded by Jack Crawford – all members in favor.

ENFORCEMENT

Review/Discuss/Act-2371 County Street (Map 20, Lot 65) Proposed Mitigation Plan by Northcounty Group, Inc. revised 8/6/24. Received revised mitigation plan on 1/16/2024. Reviewed revised mitigation plan on 1/22/25. Some edits remain to comply with earlier requests. Consultant met with Agent and member to review plan. Further edits are necessary to comply with the agreed upon edits. Enforcement Order drafted to Review/Discuss/Act. MassDEP

contacted us on 2/6/2025 to set up a site visit. Site visit scheduled for 3/6/2025.

2470 Pleasant Street (Map 20, Lot 55) - Previous filling made to wetland on property. Follow-up letter sent out on 12/30/24. Follow up email sent on 1/22/2025. Lisa has not heard back from the owners.

710 Center Street (Map 9, Lot 154) – Violation (cutting & clearing) on the Conservation Restriction land observed. Follow-up letter sent out on 12/30/24. Matthew Lumbar attempting contacting Natural Heritage but hasn't heard back. Lisa will meet and discuss what he plans on planting where he infringed onto the buffer zone. Matthew thinks a maple tree would be suitable since there is one already. Lisa will do a site visit when the snow clears, then owner will contact Natural Heritage. Lisa will contact Matthew via email or phone to set up site visit. Lisa suggests planting a plant as well.

Review/Discuss/Act - 880 Hart Street (Map 19, Lot 2) – Multiple violations - Existing Conditions & Mitigation Plan by Northcounty Group, Inc. dated 10/16/24, revised 12/16/24 Site visit on 1/8/2025. MassDEP contacted us on 2/6/2025 to set up a site visit. Site visit scheduled for 3/6/2025. They did not come to the meeting because of said site visit coming up.

1070 Smith Street (Map 10, Lot 15-2) Wetland violation (cutting & clearing) Follow-up letter sent out on 12/30/24. Zenith Consulting contacted me on 1/2/2025 that they are working on a filing coming to us soon. Engineer Nyles Zagar met with Lisa and went over existing conditions plan. Filing will be done in the spring because there is at least one or two potential vernal pool within the wetlands. Commission wants to make sure they are labeled correctly and they're staying outside the 100'. Landscaping to be done in the back and front yard.

1030 Oak Street (Map 6, Lot 27) Wetland violations (clearing, cutting, filling) Site visit with new owner (Oliveira Investments c/o Ronald Oliveira) on 11/12/24. NOV sent on 2/10/2025 via certified mail. Lisa has not received the card back, if she doesn't hear from the owners she will follow up with the building department and take a ride by the lot to see if she can speak with someone in person.

2134 Horton Street (Map 7, Lot 26-1) New wetland violation observed when on-site for a pre-application site visit for a shed. Owner will attend meeting. Owners bought the house recently, saw wood chips on the property already so they added more to level out the end of their driveway. Owners applied for the license for their shed and conservation came out to the site. Owners hired a wetland scientist. An insurance claim made in 2022 when a tree fell on the house for \$26,000. Roof and solar panels needed replacing. The shed needs to put far away from wetlands currently it is on the wood chips. Wood chips need to be removed. The pre-built shed is for owners work tools. There is no foundation to the shed, no trees removed it's 10' by 20' shed. Wetlands need to be flagged. Steven Chmiel is going to test the area once the weather gets better and will contact Zenith to do a survey of the area. Lisa states they may not need a survey but will definitely need a wetland scientist because they will need to restore any ground disturbance made. Once wetlands are established, the shed will be placed in another area. Owner is concerned there is no room for the shed. 966 Main Street (Map 16, Lot 6) Trash Truck/Dumpster in BVW observed on 2/13/2025. Agent will ask owner to attend this meeting. Truck was tilted into the

wetlands and dumpster directly in wetlands. Owner connected with Tom Ferry and moved the dumpster near street temporarily. Wood chips to be removed out of wetlands, owner is speaking of putting gravel up for his truck. Owner will attend March's meeting.

Motion to take public input out of order put forth by Paul Reynolds, seconded by Jack Crawford – all members in favor.

Motion to take correspondence out of order put forth by Paul Reynolds, seconded by Jack Crawford – all members in favor.

OTHER BUSINESS

Review/Discuss/Act- Meeting Minutes (September 19, 2024 & January 16, 2025) Motion to accept the minutes for September and January put forth by Paul Reynolds, seconded by Jack Crawford – all members in favor.

Bills Payable – Review Bills Payable since last meeting. No update.

Review/Discuss/Act – Adding 5 hours/week for the Conservation Agent in FY26 Since discussing the budget and looking at Lisa's work load there has been seconded thoughts about how the conservation should use their budget. Adding five hours is presented to the board and Jim asks if they should present this to the selectmen and finance committee. Lisa is currently 25 hours a week but it is known she puts in extra hours every week. Paul Reynolds states he is strongly in favor if this knowing even if she works 30 hours it would not suffice the amount of time she puts in. He also knows the towns fiscal position at the present time is looking at a negative levy capacity. Meaning that next year's budget is higher than it currently is than the ability to raise taxes under prop 2.5. However, it is still in flux due to final budget figures from the school department and health insurance premium increases. The town may need to add back into the departmental budgets and if this happens, he will strongly be in favor of issuing a letter to the BOS to consider adding five hours a week. He says the extra hours are needed because unlike other departments there is no full-time employees and more support is needed. Jim Digits speaks on the account holding around 30K and if BOS is unable to find the resources to add five hours in, he suggests offering that account to go into Lisa's salary. Wetland Protection Act funds will be coming in with new fees and by laws. Email sent to MAAC organization Mass Association of Conservation Commissioners asking if conservation can use funds from account to pay for salary. The response was from the director and she said where to find the tips on all this information. The end result was that it was to be discussed with Town Administrator, Town Council and Town Treasure the information and when discussing wetland fees these documents also speak of setting up an account for separate filing fees. Mike Flemings funding tips article also refers to this topic. Lisa states according to Charlie the revolving fund was authorized. Fees from wetland protection Act Fund must be separate from any fees assessed to local wetlands bylaw or ordinance fees. Wetland protection act fees are typically held in the revolving fund under Mass General law 44 section 53E1-2 but only if revolving fund account has been authorized by town meeting, city council or mayor. Vote should specify anticipated amount authorized to be spent and permissible uses of the fund. Any unexpected balance of the funds remains in the revolving account at the end of the fiscal year can only be spent if authorized by town meeting as part of a reauthorization of the revolving fund for the next fiscal year. Otherwise, excess funds revert to surplus revenue, if no revolving fund is voted the commission

does not get to use the money collective FEA deposit into the town's general fund by law 44 section 53. Paul will double check with council. Motion to write a letter to the BOS to add 5 hours a week to Lisa's schedule to be paid through budget of the general funds put forth by Paul Reynolds, seconded by Jack Crawford – all members in favor. Motion contingent on legal approval to utilize any other available trust agency or revolving funds in the even that Lisa is not able to procure five hours from the general fund in order for the commission to authorize those funds to be dispersed to grant her the additional five hours, put forth by Paul Reynolds, seconded by Jack Crawford – all members in favor.

CORRESPONDENCE – Email (2/3/25) correspondence from Attorney Eliot Brais, Esq informing us that MA Division of Fisheries and Wildlife (MADFW) has approved the proposed project at the Pratt property, 14 Maris Lane, Dighton, MA. The owner Justin Pratt and contractor Tim Fonte take the podium. Flooding last year was 8' deep of water. Many restrictions in that area according to Mass Heritage. The plan was revised to a step-down grade and built a doghouse within their property line. No work will be touching conservation and we they don't have any abutting wetlands in that area, only pine forest. The water is run off from the storms last year, recommended to step down to increase the grade and fill it up until the conservation line. The original plans shows that they never had the area filled as planned. The water took three months to drain. The owner proposes to bring up the grade that was approved by the town in the original plans. Plans on reseeding the buffer zone. Pines that owner cut down previous year will be removed while they are redoing the grade. Jim Digits states this not a conservation issue that they are free to fill. Lisa will take hold off on Monday.

PUBLIC INPUT

Tony submitted a perc review application. Lisa asked Zenith if flagging was up and they said no. Zenith said two months later that flagging was up, Lisa asked who flagged it because she questions if it was herself in 2020 and if so, they cannot use that flagging. Tony says he had Zenith flag the wetlands in accordance with Lisa's original flagging. Tony is being told that Lisa is holding up his occupancy permit for 728. Lisa states she won't release the perc; Tony is being told otherwise according to the BOH. Lisa restates that someone needs to review the perc location and as it is to the wetlands that she flagged in 2020 because she can't verify her own work. Lisa recuses herself. Jim Digits will review the flags and confirm with the laser that it is 100' from the wetlands. This area is between the garage and new house, it was requested that Tony marks the area of the proposed perc in the field. Jim Digits will do the site visit the following Monday.

SPECIAL MEETING- EXECUTIVE SESSION – MGL Chapter 30A, 21 (a)(2) – To discuss pending litigation relative to in re: Bisher Hashem, Strawberry Fields Estates, LLC, OADR Docket Nos. WET-2022-030 & 031, and will not return to open session.

ADJOURNMENT

Respectfully Submitted,


James Digits